

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIMOTHY J. HEMBREE,	§	No. 83, 2006
	§	
Defendant Below,	§	Court Below—Superior Court
Appellant,	§	of the State of Delaware, in
	§	and for Sussex County
v.	§	
	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	Cr. ID No. 9509002602

Submitted: March 6, 2006
Decided: March 20, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 20th day of March 2006, upon consideration of the appellant's untimely notice of appeal,¹ the Clerk's notice directing the appellant to show cause why the appeal should not be dismissed, and the appellant's response to the notice to show cause, it appears to the Court that this appeal should be dismissed. The appellant's failure to timely file his notice of appeal is not attributable to court-related personnel. Consequently, this case does not fall

¹The notice of appeal was filed on February 16, 2006 from an order of the Superior Court docketed on January 13, 2006. *See* Del. Supr. Ct. R. 6(a) (providing for thirty-day period to file notice of appeal).

within the exception to the general rule that mandates the timely filing of a notice of appeal.²

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

²*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).